

MAINE STATE HARNESS RACING COMMISSION  
MINUTES OF MEETING  
FEBRUARY 8, 2021  
HELD ONLINE VIA ZOOM APPLICATION

Commission Members Present: Michael Timmons, Chair, William McFarland, James Kelley, Jr., and Richard Shiers

Commission Members Absent: Edward Kelleher

Staff Members Present: AAG, Ron Guay, AAG, Henry Jennings, Carol Gauthier, Joy Bonenfant, Miles Greenleaf, Jaime Wood, and Dr. Zachary Matzkin

1. **Call the Meeting to Order and Introductions:** Michael Timmons, Chair
2. **Review and Approval of Minutes**  
**Review and Approval of Decision and Orders**  
None.
3. **Adjudicatory Hearings:**
  - A. **RE:** Pursuant to 8 M.R.S. § 271 and Commission Rules Chapters 19 and 21, the Commission will take testimony on the following application for a live racing track license for calendar year 2021:

1. First Tracks Investments, LLC

AAG, Mark Randlett was the hearing officer and advising the Commission. AAG, Ron Guay represented the Department of Agriculture, Conservation and Forestry and the Maine State Harness Racing Commission staff. Hearing Officer Randlett stated they would first take a vote to reopen the 2021 Race Date Proceedings. Commissioner Kelley made the motion. Commissioner Shiers seconded. Commissioner Timmons called the roll.

**RECORD OF ROLL CALL VOTE**

**Motion:**

**Reopen the 2021 Race Date Proceedings to consider the application for a commercial track license filed by First Tracks LLC and to award race dates to licensed tracks for the 2021 harness racing season.**

**Commissioners:**

<b>Michael Timmons</b>	<b>YEA</b>
<b>William McFarland</b>	<b>YEA</b>
<b>Richard Shiers</b>	<b>YEA</b>
<b>James Kelley, Jr.</b>	<b>YEA</b>

**Motion passed 4-0.**

Hearing Officer Randlett qualified the Commissioners. AAG, Guay presented the following exhibits. Exhibit 1, Notice of Hearing to Licensees by email; Exhibit 2, Notice of Hearing via Certified Mail; Exhibit 3, Notice of Hearing Newspaper Ad; Exhibit 4, Notice of Hearing MSHRC Website; Exhibit 5, Agenda for February 8, 2021; Exhibit 6, First Tracks Investments LLC Application for a Track License (confidential); Exhibit 7, Copy of Lease (confidential); Exhibit 8, Background Examination submitted by Thoroughbred Racing Protective Bureau (confidential); Exhibit 9, Background Examination by WipFli (confidential); and Exhibit 10, Consolidated 2021 Consensus Race Date Calendar. These exhibits have been pre-circulated to the parties except those marked as confidential. He would move for the submission of the exhibits. There were no objections. Hearing Officer Randlett admitted the exhibits except 6, 7, 8, and 9 subject to confidentiality. AAG, Guay called the following people to testify. J. Curtis Linnell from Thoroughbred Racing Protective Bureau, Christian Smith from WipFli, Michael Cianchette from First Tracks Investment LLC, Gunner LaCour from Golden Bear Racing, and Henry Jennings, Executive Director of the Maine State Harness Racing Commission. After testimony from the witnesses, Hearing Officer Randlett read the "Record of Decision" into the record for a 2021 License to hold horse races and full card simulcasting. Commissioner Shiers moved the motion. Commissioner McFarland seconded. Hearing Officer Randlett called the roll call vote.

### **RECORD OF DECISION**

This Record of Decision is issued pertaining to First Tracks Investments, LLC application for a commercial race track license to conduct live pari-mutuel racing in 2021.

**Based on the testimony of the Applicant, the testimony of Commission Staff, the testimony of expert witnesses, and the Exhibits, the Commission finds that:**

- 1) Based on the testimony of the Executive Director, First Track's application is substantially complete as of February 8, 2021.**
- 2) Based on the information provided in Exhibit 6, the testimony of the applicant, and the prior licensing of the Cumberland Fairgrounds, First Track is expected to be able to substantially comply with the requirements of Title 8, Chapter 11 and the Commission Rules during calendar year 2021.**
- 3) Based on the testimony of TRPB, and their report marked as Exhibit 8, each of First Track's relevant members, directors, officers, shareholders, employees, creditors, and associates are of good moral character.**
- 4) Based on the testimony of WipFli, and their report marked as Exhibit 9, First Tracks is financially responsible.**
- 5) Based on the findings contained above, First Tracks has met the criterion established in 8 M.R.S. § 271 (1) and Commission Rule Chapter 19, Section 4, subsection 11.**
- 6) First Tracks has indicated that it will satisfy the requirements of 8 M.R.S. § 272 by providing a bond or irrevocable letter of credit for calendar year 2021 prior to the actual physical issuance of its license.**

7) **First Tracks has agreed to work with the Maine Standardbred Breeders and Owners Association to host Breeder Stake's races in addition to its allocated races, for calendar year 2021.**

**Based on these Findings of Facts, the Commission GRANTS to First Track a LICENSE to conduct harness horse racing meets for public exhibition with pari-mutuel pools at racetracks in the State of Maine during calendar year 2021 including authorization for full card simulcasting.**

The following roll call vote is taken pursuant to **1 MRS §403-A**

**Commissioners:**

<b>Michael Timmons</b>	<b>YEA</b>
<b>William McFarland</b>	<b>YEA</b>
<b>Richard Shiers</b>	<b>YEA</b>
<b>James Kelley, Jr.</b>	<b>YEA</b>

**Motion passed 4-0.**

This Decision and Order is stated in the record pursuant to **5 MRS § 9061.**

**SO, ORDERED, and Effective as of this date February 8, 2021.**

#### **APPEAL RIGHTS**

**Pursuant to the provisions of 5 M.R.S. §§ 11001-11003, any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine Harness Racing Commission, all parties to the agency proceedings and the Attorney General.**

**B. RE: Award of Race Dates for the 2021 calendar year to:**

- a. Northern Maine Fair Association, Presque Isle; Fair Meet
- b. Sagadahoc Agricultural & Horticultural Society, Topsham; Fair Meet
- c. Skowhegan State Fair, Skowhegan; Fair Meet
- d. Union Fair Society, Union; Fair Meet
- e. Windsor Fair, Windsor; Fair Meet
- f. Franklin County Agricultural Society, Farmington Fair; Farmington; Fair Meet
- g. Cumberland Farmers Club, Cumberland Fair, Cumberland; Fair Meet and Extended Meet
- h. West Oxford Agricultural Society, Fryeburg Fair, Fryeburg; Fair Meet
- i. HC Bangor, LLC; Bangor Raceway; Commercial Meet
- j. First Tracks Investments, LLC

Hearing Officer Randlett stated they will proceed to the race date allocation. AAG, Guay stated he believes they can proceed to a stipulated basis without any testimony. The department moves on behalf of the parties for the adoption of Exhibit 10 Race Date Calendar for 2021. There were no objections to the motion. Commissioner Shiers moved to approve the motion. Commissioner McFarland seconded. Hearing Officer Randlett called the roll call vote.

### **RECORD OF ROLL CALL VOTE**

#### **Motion:**

**Approve the adoption of Exhibit 10 Race Date Calendar for 2021.**

#### **Commissioners:**

<b>Michael Timmons</b>	<b>YEA</b>
<b>William McFarland</b>	<b>YEA</b>
<b>Richard Shiers</b>	<b>YEA</b>
<b>James Kelley, Jr.</b>	<b>YEA</b>

**Motion passed 4-0.**

Hearing Officer Randlett stated they will move to Commission deliberation on the calendar. AAG, Guay stated that a proposed decision and order was pre-circulated to the parties. That was based on testimonial and exhibits. It would be slightly modified if adopted. Hearing Officer Randlett read into the record the "Record of Decision". Commissioner McFarland moved the motion. Commissioner Shiers seconded. Hearing Officer Randlett read the roll call.

### **RECORD OF DECISION**

This Record of Decision is issued pertaining to Northern Maine Fair's, Topsham Fair's, Skowhegan Fair's, Union Fair's, Windsor Fair's, Farmington Fair's, Cumberland Fair's, Fryeburg Fair's, First Track's and Bangor Raceway's (collectively "Applicants") request of race days to conduct live pari-mutuel racing at their respective facilities in 2021.

**Based on the testimony of the Applicants, the recommendation of Commission Staff, and the Exhibits, the Commission finds that:**

- 1) The Applicants are all authorized to conduct live pari-mutuel racing for the 2021 racing season by holding a license issued under the authority of 8 M.R.S. § 271 (1).**
- 2) The Applicants have developed a consensus calendar, admitted as Exhibit 10, of proposed race dates that satisfy the requirements of 8 M.R.S. § 271 (2).**

**Based on these Findings of Facts, the Commission GRANTS to each Applicant the RACE DATES specified in Exhibit 10 in order to conduct harness horse racing meets at their respective racetracks during calendar year 2021.**

The following roll call vote is taken pursuant to **1 MRS §403-A**

**Commissioners:**

<b>Michael Timmons:</b>	<b>YEA</b>
<b>William McFarland:</b>	<b>YEA</b>
<b>Richard Shiers:</b>	<b>YEA</b>
<b>James Kelley, Jr.</b>	<b>YEA</b>

**Motion passed 4-0.**

This Decision and Order is stated in the record pursuant to **5 MRS § 9061.**

**SO, ORDERED, and Effective as of this date February 8, 2021.**

#### **APPEAL RIGHTS**

**Pursuant to the provisions of 5 M.R.S. §§ 11001-11003, any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine Harness Racing Commission, all parties to the agency proceedings and the Attorney General.**

Commissioner Timmons stated from the Commission's standpoint he doesn't see anything out there right now that they haven't addressed. Mr. Jennings asked AAG, Guay if they should approve those two purse distribution plans. AAG, Guay stated he thinks it would be good if they could. Commissioner McFarland moved the motion. Commissioner Shiers seconded. AAG, Guay called the roll call vote.

#### **RECORD OF ROLL CALL VOTE**

**Motion:**

**To approve the Purse Distribution Plan for First Tracks Investments LLC and the Purse Distribution Plan for Bangor Historic Track LLC.**

**Commissioners:**

<b>Michael Timmons</b>	<b>YEA</b>
<b>William McFarland</b>	<b>YEA</b>
<b>Richard Shiers</b>	<b>YEA</b>
<b>James Kelley, Jr.</b>	<b>YEA</b>

**Motion passed 4-0.**

#### **4. Schedule of Future Meetings:**

#### **5. Adjourn**

Commissioner Kelley made a motion to adjourn. Commissioner McFarland seconded. Vote 4-0. Adjourn: 12:47 p.m.